

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 18-CR-60257-GAYLES/OTAZO-REYES**

**UNITED STATES OF AMERICA**

**v.**

**HECTOR ALFARO-RODRIGUEZ,**

**Defendant.**

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**ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE**

**THIS CAUSE** comes before the Court on Defendant's Motion to Suppress (the "Motion"). [ECF No. 18]. The Court referred this matter to Magistrate Judge Alicia M. Otazo-Reyes pursuant to 28 U.S.C. § 636(b)(1)(B). [ECF No. 19]. On December 10, 2018, Judge Otazo-Reyes held an evidentiary hearing on this matter. On January 24, 2019, Judge Otazo-Reyes issued a Report and Recommendation [ECF No. 37] recommending that the Motion to Suppress be denied. Defendant filed his objections to the Report on February 7, 2019. [ECF No. 40]. The United States responded to the objections on February 22, 2019. [ECF No. 44].

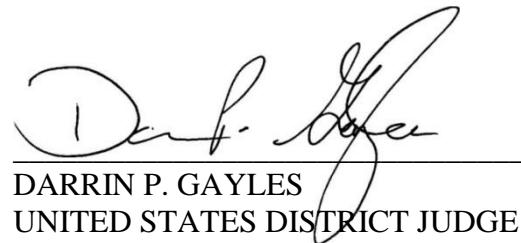
A district court may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections "pinpoint the specific findings that the party disagrees with." *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).

The Court has conducted a *de novo* review of the record, including a review of the law enforcement officers' body camera videos. The Court agrees with Judge Otazo-Reyes' well-reasoned analysis finding that the Motion to Suppress should be denied. Accordingly, it is

**ORDERED AND ADJUDGED** as follows:

- (1) Judge Otazo-Reyes' Report and Recommendation [ECF No. 37] is **AFFIRMED** **AND ADOPTED** and incorporated into this Order by reference.
- (2) Defendant's objections [ ECF No. 40] are overruled.
- (3) Defendant's Motion to Suppress [ECF No. 18] is **DENIED**.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 8th day of March, 2019.



DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE